

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE,)	
)	
Plaintiff,)	
)	
v.)	No. _____
)	
BP PRODUCTS NORTH AMERICA, INC.,)	
a foreign corporation,)	
)	
Respondent.)	

Petition

Paul G. Summers, Attorney General and Reporter for the State of Tennessee, (hereinafter “Attorney General”), files this Petition pursuant to Tennessee Code Annotated § 47-18-107 of the Tennessee Consumer Protection Act of 1977 (hereinafter “the Act”), and would respectfully show the Court as follows:

1. The Division of Consumer Affairs of the Tennessee Department of Insurance and Commerce (hereinafter “the Division”) and the Attorney General, acting pursuant to the Act, have investigated certain acts and practices of BP Products North America, Inc. (hereinafter, “BP Products”). Upon completion of such investigation, the Division has determined that certain of BP Products’ acts and practices, more specifically described in Paragraph 2 of this Petition, constitute unfair or deceptive acts or practices affecting the conduct of trade or commerce in the

State of Tennessee in violation of Tennessee Code Annotated § 47-18-104(a), and further that such acts and practices constitute violations of Tennessee Code Annotated §§ 47-18-104(b)(27).

2. Based upon their investigation of BP Products, the Division and the Attorney General allege the following:

(A) BP Products operates retail stores which sell, among other things, tobacco products.

(B) Underage access to tobacco products constitutes a severe and continuing threat to public health based on the following facts:

1. More than 80% of regular adult smokers began smoking as children;
2. Every day in the United States more than 2,000 children begin smoking cigarettes, and one third of those children will one day die from a tobacco-related disease;
3. It has been shown that the younger a person begins smoking, the more likely it is that he or she will be unable to quit in later life and will suffer a disease attributable to tobacco use;
4. Recent studies indicate that youth demonstrate signs of addiction after smoking only a few cigarettes;
5. The Federal Food & Drug Administration indicates that, as an average among U.S. retailers, one in every four attempts by a person 15 to 17 years old to purchase cigarettes over the counter results in a sale;
6. An estimated 690 million packs of cigarettes are sold illegally to children each year nationwide, and 47% of youth who report buying

cigarettes identify gas stations as their primary point of purchase, and another 27% identify convenience stores.

7. More than 400,000 Americans die each year from diseases caused by tobacco use.

(C) These sales to underage persons constitute unfair and deceptive acts or practices.

3. Upon completion of its investigation, the Division requested the Attorney General to negotiate, and if possible to accept, an Assurance of Voluntary Compliance (“Assurance”) in accordance with the provisions set forth in Tennessee Code Annotated § 47-18-107.

4. The Attorney General entered into negotiations with BP Products and the parties have agreed to, and the Division has approved, the Assurance filed contemporaneously herewith.

5. BP Products, recognizing the need to aggressively address this issue, agrees to the entry of the Assurance. BP Products, however, neither admits nor denies liability for the allegations of Paragraph 2 (A-C).

6. In accordance with the provisions of Tennessee Code Annotated § 47-18-107(c), the execution, delivery and filing of the Assurance does not constitute an admission of prior violation of the Act.

7. The Division, the Attorney General, and BP Products, the parties who are primarily interested in the matters set forth in Paragraph 2 hereof, have jointly agreed to the Assurance and join in its filing.

PREMISES CONSIDERED, Petitioner prays

1. That this Petition be filed without cost bond pursuant to the provisions of Tennessee Code Annotated §§ 20-13-101 and 47-18-116.

2. That the Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act.

Respectfully submitted,

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